

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT  
ON 5/26/2016  
Jill Richards Johnston, Clerk  
US District Court  
Eastern District of NC

United States of America

v.

Antonio Nicholson

Case No: 4:09-CR-95-1BOUSM No: 51845-056Date of Original Judgment: July 21, 2011Date of Previous Amended Judgment: September 12, 2014

(Use Date of Last Amended Judgment if Any)

Robert Waters

Defendant's Attorney

### ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_

The court considered the 2-level reduction contained in the amendment during the defendant's hearing on the government's motion to reduce sentence under Rule 35. Furthermore, the defendant waived further reduction under this amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated July 21, 2011, September 12, 2014, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5-26-16

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Terrence W. Boyle U.S. District Judge  
Printed name and title